

REMARKS

I. Status of the Claims

Claims 37-41 and 56-59 are pending under examination.

II. Claim Rejection

The pending claims are rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over the claims of U.S. Patent Nos. 7,083,796; 7,122,196; and 7,261,897. The claims are also provisionally rejected for non-statutory double patenting over the claims of co-pending USSN 11/418,848. In response, a terminal disclaimer disclaiming the patent term beyond that of U.S. Patent Nos. 7,083,796; 7,122,196; and 7,261,897 is filed herewith. Because USSN 11/418,847 remains pending, the provisional rejection must be withdrawn as the only outstanding rejection.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,



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Attachments (Terminal disclaimer)
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